

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2003-55-T - ORDER NO. 2003-432

JUNE 26, 2003

IN RE: Application of Willie Johnson & Andrew)	ORDER
Adams DBA Carolina Moving & Storage,)	GRANTING
104 Torwood Drive, Columbia, SC 29203, for)	CERTIFICATE
a Class E Certificate of Public Convenience)	
and Necessity.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Willie Johnson and Andrew Adams d/b/a Carolina Moving and Storage (CM&S or the Company), 104 Torwood Drive, Columbia South Carolina 29203 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):
Between points and places in Orangeburg, Lexington,
and Richland Counties, South Carolina.

The Commission's Executive Director instructed CM&S to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. No Protests or Petitions to Intervene were received.

A hearing was held on May 22, 2003 at 2:30 PM in the offices of the Commission. The Honorable Mignon Clyburn, Chair, presided. Willie Johnson appeared pro se, and testified on his own behalf. The Commission Staff was represented by

Jocelyn Boyd, Staff Counsel. The Staff presented the testimony of L. George Parker, Jr., Manager of the Transportation Department.

Willie Johnson testified on behalf of CM&S. He stated that he worked for John Deere Consumer Products for approximately ten years as a machinist. After John Deere Consumer Products closed, Mr. Johnson was approached by Mr. Adams to start a moving business. Mr. Adams was previously employed by Allied and Apartment Movers. Mr. Johnson and Mr. Adams have known each other for approximately ten years. After leaving John Deere Consumer Products, Mr. Johnson used his savings to start CM&S.

In February 2002, CM&S was started. Mr. Johnson testified that at the beginning he was not aware that CM&S needed authority from the Commission to move household goods. However, Mr. Johnson testified that he became aware of the Commission's authority through an insurance company. This insurance company told Mr. Johnson that he needed a Certificate from the Commission to move household goods.

Mr. Johnson testified that CM&S has done numerous commercial moves since the Company's inception. The record reveals that CM&S has moved several businesses including the Columbia Housing Authority, MUSC-University Records Center, the South Carolina Educational Lottery, the Carolina Procurement Institute, Sumwalt Construction, and Collins & Lacy, P.C. Mr. Johnson testified that CM&S completed the MUSC move in twenty-two days as opposed to the thirty days, the amount of time allowed for the move by contract.

Mr. Johnson's duties at CM&S include completing paper work, bids, physical labor, packing, and driving the Company's truck. Mr. Adams' duties will be same as Mr.

Johnson except Mr. Adams will not drive the truck. The Company has no other employees at this time other than Mr. Johnson and Mr. Adams. If the Company needs additional movers in the future, it will seek assistance from a temporary agency.

Regarding the need for an additional mover in the areas where CM&S seeks authority, Mr. Johnson testified that there is a need for another minority household goods mover in Richland, Lexington, and Orangeburg counties. Mr. Johnson testified further that the certification of an additional mover in the area will boost the economy. Additionally, Mr. Johnson testified that he has received requests to move household goods from persons who have seen CM&S' fliers that were posted at businesses throughout Richland County. However, after receiving requests to move household goods, Mr. Johnson testified that he informed those persons that the Company did not yet have the authority to move household goods.

CM&S purchased a twenty-four foot van truck, 4700 series in 2002. The Company received a Certificate of Minority Business from the Governor's Office of Small and Minority Business Assistance. The Company also scored a "Pass" on its inspection from the Department of Transportation. Mr. Johnson testified that there are no outstanding judgments against CM&S. An insurance quote from National Casualty/Lloyds of London is included in the Application. According to the Application the Company is familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and CM&S agrees to comply with these statutes and regulations. Other than its twenty-four foot truck, CM&S

also owns padding, jacks, and hand trucks. The Company will expand in the future by adding storage space as an available service to its customers.

L. George Parker, Manager of the Commission's Transportation Department, also testified. Parker noted that he visited Robertson's home and took pictures of Robertson's equipment and verified that the equipment, including Robertson's truck, were in good shape.

S.C. Code Ann. 58-23-590(C) (Supp. 2002) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of the chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity. We would note that we have waived the "shipper witness" rule to show public convenience and necessity found in 26 S.C. Code Regs. 103-133 (Supp. 2002) for applicants seeking authority in three contiguous counties. We continue to apply that waiver in the present case, and find the public convenience and necessity evidence provided by the applicant to be credible.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find significant evidence to grant the Application, and therefore grant authority to CM&S for a Class E Certificate of Public Convenience and Necessity for the movement of household goods as follows:

Household Goods, As Defined in R. 103-210(1):
Between points and places in Orangeburg, Lexington,
And Richland Counties, South Carolina.

This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED:

1. That the application of Willie Johnson and Andrew Adams d/b/a Carolina Moving and Storage for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Orangeburg, Lexington, and Richland Counties, South Carolina.

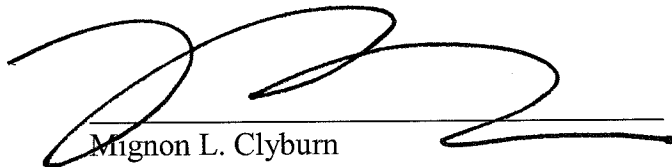
2. CM&S shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to CM&S authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized herein shall not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Mignon L. Clyburn
Chairman

ATTEST:



Gary E. Walsh
Executive Director

(SEAL)